

AO 91 (Rev. 11/11) Criminal Complaint

FILED

## UNITED STATES DISTRICT COURT

for the

Western District of Texas

2020 APR -6 AM 10:27

United States of America

v.

Mario Darinel PINEDA

Case No.

EP20MJ2189 MAT

Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of April 4, 2020 in the county of El Paso, Texas in the  
Western District of Texas, the defendant(s) violated:

## Code Section

## Offense Description

21 USC § 841

Defendant(s) did, knowingly and intentionally, possess with the intent to distribute, approximately .78 kilograms (gross weight) of Crystal Methamphetamine, a Schedule II Controlled Substance.

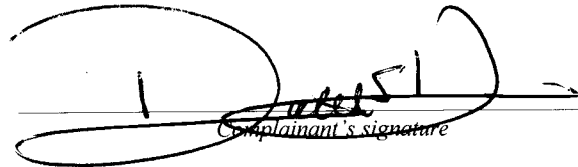
21 USC § 952

Defendant(s) did, knowingly and intentionally, import into the United States from the Republic of Mexico, approximately .78 kilograms (gross weight) of Crystal Methamphetamine, a Schedule II Controlled Substance.

This criminal complaint is based on these facts:

See attached affidavit.

Oath Telephonically Sworn  
 At 1:20 PM  
 Fed.R.Crim.P. 4.1(b)(2)(A)

☒ Continued on the attached sheet.


Complainant's signature

Robert Hernandez, HSI Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 04/06/2020


Judge's signature

City and state: El Paso, Texas

Miguel A. Torres, U.S. Magistrate Judge

Printed name and title

## **AFFIDAVIT**

On Saturday, April 4, 2020, at approximately 7:07 A.M., Mario Darinel PINEDA made entry into the United States via the Paso Del Norte (PDN) Port of Entry (POE) northbound pedestrian lanes in El Paso, Texas. PINEDA was traveling alone when he presented himself for inspection with Customs and Border Protection Officer (CBPO) Abel Gasca.

CBPO Gasca was working the PDN POE primary pedestrian lanes of travel when he came into contact with PINEDA. During the inspection process, CBPO Gasca observed PINEDA exhibit signs of nervousness when presenting his entry document i.e. birth certificate and answering questions. CBPO Gasca stated PINEDA's hands and voice were noticeably shaky during his encounter with PINEDA. CBPO Gasca further stated that PINEDA provided a negative oral customs declaration and claimed the purpose for seeking admission into the United States was to work at a McDonald's restaurant. CBPO Gasca then noticed that PINEDA was not wearing the proper attire, such as a McDonald's t-shirt or uniform and subsequently asked PINEDA to explain why he was not properly dressed. PINEDA stated to CBPO Gasca that he was going to meet his brother in El Paso, Texas to receive his McDonald's t-shirt prior to arriving at work. CBPO Gasca again noted PINEDA's nervous behavior when his hands began to tremble as he presented a pack of cigarettes he had in his possession and because of his constant touching of his jewelry. CBPO Gasca then asked PINEDA if anyone was paying him to bring anything to or from Mexico into the United States and PINEDA responded hesitantly that no one was paying him to take or bring anything. CBPO Gasca then referred PINEDA to passport control secondary (PCS) for a more intensive examination based on his training and experience that PINEDA could be a body carrier.

While in PCS, Canine Enforcement Officer (CEO) Gerardo Cruz and his Narcotic and Human Detector Dog (NHDD), Atoss, were requested to assist with conducting a cursory search of PINEDA's person for the presence of an unknown narcotic. Subsequently, CEO Cruz and his assigned NHDD, Atoss, received a positive alert to PINEDA's groin area.

A supervisory approved pat down search of PINEDA revealed the discovery of three clear plastic wrapped bundles concealed within the groin and backside pants area of his person. A random bundle was probed and revealed a crystalized substance which field tested positive for containing properties of methamphetamine. The aggregate amount for the three bundles of crystalized methamphetamine was approximately .78 kilograms (gross weight).

Homeland Security Investigations (HSI) Special Agents (SA) Robert Hernandez and Jason Grijalva were notified of the crystal methamphetamine seizure and arrived at the PDN POE to conduct a preliminary investigation.

At approximately 10:59 A.M., SA Hernandez, in the presence of SA Grijalva, advised PINEDA of his ***Miranda Rights*** and PINEDA chose to answer questions without an attorney present.

PINEDA acknowledged to agents he understood that he was being detained at the PDN POE because of a failed attempt to cross into the United States a quantity of crystal methamphetamine. According to PINEDA, upon successfully crossing the bundles of crystal methamphetamine, he was supposed to meet and turn over the drugs to a Hispanic male driving a small black vehicle with Texas license plates just north of the PDN POE by the public telephones and taxis. PINEDA stated he has participated in approximately 30 successful drug smuggling ventures in which he has transported crystal methamphetamine on his person through the PDN POE pedestrian lanes and delivered the drugs to the unknown Hispanic male. PINEDA stated he was paid 400.00 in United States Dollars (400 USD) for each trip he successfully crossed crystal methamphetamine from Ciudad Juarez, Chihuahua, Mexico to El Paso, Texas.